

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

ANTOINE TUGGLE ,)	CASE NO. 3:10cv0812
)	
Petitioner,)	JUDGE JOHN R. ADAMS
)	
-vs-)	
)	<u>MEMORANDUM OF OPINION</u>
ROBERT WELCH)	<u>AND ORDER</u>
Warden,)	
)	
Respondant.)	

This matter came before the Court on Petitioner's motion to reconsider the Court's dismissal of his petition for habeas corpus pursuant to 28 U.S.C. §2254. (Doc. 12). The Court determined that he had not yet exhausted his claims in the state courts. Petitioner now contends that based upon the decision of the Supreme Court of Ohio, *State v. Fischer*, No. 2009-0897, 2010 WL 5349851 (Dec. 23, 2010), he had exhausted his state court remedies. This Court referred the matter to the Magistrate Judge. The Magistrate Judge submitted a report and recommendation (Doc. 16) recommending that the Court deny the motion for reconsider.

Fed. R. Civ. P. 72(b) provides that the parties may object to a report and recommendation within ten (10) days after service. Petitioner did not file any objections to the Magistrate Judge's report and recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984); *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the report and recommendation of the Magistrate Judge is hereby adopted. Petitioner's motion for reconsideration is DENIED. The Court certifies, pursuant to 28 U.S.C. §1915(A)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability.

IT IS SO ORDERED.

Dated: March 8, 2011

/s/ John R. Adams
UNITED STATES DISTRICT JUDGE